VIAL et al.

Appl. No. 10/521,329

Atty. Ref.: 1721-83

Ally, Nell, 172 Amendment

December 23, 2008

<u>REMARKS</u>

Reconsideration is requested.

Claims 29-41 and 53-55 are pending. Claims 42-52, 56 and 57, which have

been withdrawn from consideration, have been canceled, without prejudice.

The Examiner's indication that claims 37, 38, 39, 53 and 54 contain allowable

subject matter is noted with appreciation. See page 5 of the Office Action dated June

25, 2008. The applicants note that claim 40 is dependent from claim 37 and the

Examiner is requested to reconsider the allowability of claim 40 with at least claims 37-

39, 53 and 54.

The specification has been revised to correct an inadvertent typographical error.

The BIB DATA SHEET of the PTO IFW indexed at June 25, 2008 is correct in this

regard.

The claims have been revised, without prejudice, to obviate the objection to

claims 29-34 and 53-55. Withdrawal of the objection is requested. The Examiner is

requested to contact the undersigned, preferably by telephone, in the event anything

further is required in this regard.

The objection to claim 55 is obviated by the above amendments. Withdrawal of

the objection is requested.

The Section 112, second paragraph, rejection of claims 40 and 55 is obviated by

the above amendments. Withdrawal of the rejection is requested.

The applicants submit that the Section 102 rejections of claims 29-36 and 41

over Chapman (Journal of Chemical Society, Chemical Communications, 7, 240-241,

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1976); of claims 29-36 over Shreve (U.S. Patent No. 2,744,116), or Rai (U.S. Patent No. 3,222,285); and of claims 29 and 30 over Mueller (U.S. Patent No. 5,242,948), are obviated by the above amendments. Specifically, the applicants believe the compounds of the cited art have been excluded from the claims.

Withdrawal of the Section 102 rejections is requested

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event

Respectfully submitted,

## **NIXON & VANDERHYE P.C.**

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